

Amendment No. 1 to SB3647

**Southerland
Signature of Sponsor**

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 3647

House Bill No. 3111*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 50-1-103(e), is amended by deleting the first sentence in its entirety and substituting instead the following language.

If any person has reason to believe that a violation of subsection (b) has occurred, the person may file a complaint with the department. Such complaint shall be made in writing and be complete with evidence and be under oath in the manner established by the department. The department shall preserve the confidentiality of the identity of the person, agency, officer, employee, employer or business who is mentioned in or who has filed the complaint. The information rendered confidential by this act may be discovered by subpoena from a court of record.

SECTION 2. Tennessee Code Annotated, Section 50-1-103, is amended by adding the following new subsection (f):

Upon receipt of a complaint alleging a violation of subsection (b) of this section and after conducting an investigation, if the commissioner determines that a violation of subsection (b) has not occurred and the complaint appears to contain false statements or appears to be frivolous, clearly vexatious, or brought solely for the purposes of harassment, the commissioner shall immediately notify the appropriate district attorney general of a potential violation of § 39-16-702. The department shall also assess a civil penalty of up to five thousand dollars (\$5,000) on any person who files a complaint with false statements or files a complaint that is frivolous, clearly vexatious or brought solely for the purposes of harassment.

SECTION 3. Tennessee Code Annotated, Section 50-1-103, is amended by adding the following new subsection (g):

The commissioner shall develop a form that will be used by persons filing a written complaint with the department. Such form shall contain the following language:

This is an official document required by law to be made under oath and any person making false statements on this document is subject to prosecution for perjury and a civil penalty of up to five thousand dollars (\$5,000). All material contained in this document shall not be disclosed prior to a thorough investigation by the commissioner under § 50-1-103.

SECTION 4. The commissioner is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of title 4, chapter 5.

SECTION 5. For purposes of the commissioner developing a form to be used in filing complaints and for purposes of promulgating such other necessary rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2008, the public welfare requiring it.